

**IN UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CHAD HOGAN,

Plaintiff,

v.

CITY OF MONTGOMERY, et al.,

Defendants.

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CASE NO. 2:05-cv-687-WKW

MOTION TO QUASH SUBPOENA

COME NOW Defendants, Chief A. D. Baylor, Major J.C. West and City of Montgomery, by and through counsel, and hereby moves this Court to quash the subpoena received from the Plaintiff in the above styled action. As grounds in support of said motion, Defendants would state unto the Court the following:

1. Counsel for Defendants received a copy of a subpoena to the “Montgomery Police Department Records Custodian” on or about March 18, 2006. The City of Montgomery is a party to the above styled action and this is the second subpoena for documents or recordings that has been submitted to Montgomery Police Department Records Custodian. (*See Subpoena attached as Exhibit 1.*)

2. Defendants submit that request made to the Montgomery Police Department is the same as a request made to Defendant City of Montgomery and therefore should be made through discovery request to counsel for Defendants.

3. Additionally, the information sought in said subpoena was requested in Plaintiff’s Consolidated Discovery Request to Defendant Art Baylor.

4. Defendant objected to production of information protected by the attorney/client privilege or the work-product doctrine or taken and/or prepared in anticipation of litigation, or privileged, and not subject to discovery.

WHEREFORE ABOVE CONSIDERED, Defendants move this Court to quash Plaintiff's subpoena issued to Montgomery Police Department on March 16, 2006.

Respectfully submitted this the 23rd day of March 2006.

/s/ Kimberly O. Fehl
Kimberly O. Fehl (FEH001)

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the following by placing a copy in the United States mail, postage prepaid and properly addressed, on this the 23rd day of March, 2006.

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/s/ Kimberly O. Fehl
OF COUNSEL